

## Remarks

Discussion of the ClaimsAllowable Subject Matter

The Office Action objects to claim 5 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Amended claim 1 is made up of a combination of originally filed claims 1, 3 and 5.

Thus, amended claim 1 is now, we respectfully submit, allowable, and should overcome the prior art cited. The remaining claims should also be allowable.

Information Disclosure Statement

An Information Disclosure Statement, with references, is submitted herewith. The references cited in the IDS are associated with a European Search Report for parallel application EP 04 00 0893. It is noted that a rather similar set of claims was used in the parallel German examination procedure in which DE 199 25 443 A1 has been cited as the most relevant prior art document. The most relevant prior art document is EP 1 057 668 A2, which claims priority of the before mentioned German patent application, and therefore, is substantially identical to the present application, insofar as the scope of the disclosure is concerned.

It is also noted that the first two German applications cited in the presently submitted PTO 1449 (DE 199 13 795 and DE 100 62 257) were listed in a previously submitted Examination Report reviewed by the Examiner on August 16, 2005. At the time the IDS reviewed on August 16, 2005 was submitted, Applicant mistakenly did not

submit these two German references. That oversight was unintentional. An English language abstract of each of these references, and drawing, are included in this IDS submission. These references were considered in the parallel foreign examination procedure.

In terms of parallel US applications for these two references, Applicants notes the following. With respect to DE 199 13 795, Applicant believes there is no US publication. With respect to DE 100 62 257, this reference has a parallel US Patent 6,413,661 B1 having the title "Method for Operating a Combustor in a Fuel Cell System".

In terms of the technical content of these two prior art documents, it is to be noted that DE 199 13 795 discloses the heat contained in the exhaust gases of the combustion engine 1 or a heating device 40 is transferred to the fuel cell 33 in a heat exchanger 36 arranged within the fuel cell 33. There is not disclosure for delivering the hydrogen containing gas produced in the reformer 29 to the burner arrangement contained within the heating device 40.

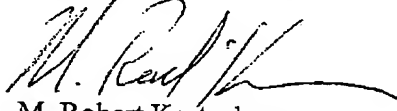
DE 100 62 257 discloses a system in which the exhaust gases of a burner 34 are fed to a fuel processor (reformer) 2 for preheating same. For operating the burner 34, liquid fuel and/or hydrogen containing gas supplied by the fuel reactor 2 is fed into this burner 34. However, DE 100 62 257 discloses no heat exchanger arrangement by means of which the heat generated in the burner 34 can be transferred into a heating medium.

Applicant respectfully believes that even with the prior art documents known from the German and European examination procedures, there should be no problem with allowance of the claims submitted herewith.

A PTO 2038 is included herewith, authorizing charging a credit card for the prescribed IDS fee of \$180. The IDS fee is paid to cover submission of the first two German references, which were mistakenly not included in the previous IDS submission.

Wherefore, further consideration and allowance of the application as amended is respectfully requested.

Respectfully submitted,



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I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service in an envelope with sufficient postage as first class mail on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 23, 2005.



M. Robert Kestenbaum